

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,
v.

ROMAN ARAGON, *et al.*,

Defendants.

6:69-cv-07941-BB

RIO CHAMA STREAM SYSTEM
Canjilon Creek, Section 3

Subfile No(s).

CHCJ-006-0001

ORDER GRANTING DEFAULT JUDGMENT

THIS MATTER is before the Court upon the motion by the plaintiff, State of New Mexico, *ex rel.*, State Engineer's April 7, 2009 Motion for Default Judgment (Docket No. 9437). The Court, being fully advised, finds that the State's motion is well-taken and should be GRANTED.

The Court, being fully advised, finds:

1. The Court has jurisdiction of the parties and the subject matter herein.
2. The defendants named below have been legally served with process or have waived service of summons.
3. The defendants named below have failed to appear, answer, or otherwise defend in this cause, and are adjudged to be in default.
4. The State Engineer's hydrographic survey and report of the Rio Chama Stream System, Section 3, Canjilon Creek (July 14, 2000) relating to the defendants' water rights have been introduced into the record, and the same are hereby incorporated and made a part of this order.
5. The water rights of the defendants named below in the above-styled and captioned cause are as follows:

**ABELARDO E GARCIA
GERALDINE E GARCIA**

Subfile No.: CHCJ-006-0001

A. IRRIGATION (Surface Water Only)

Office of the State Engineer Files No(s) NONE

Priority: Reserved for future determination by court order entered July 25, 2000.

Source of Water: Surface Waters of the Canjilon Creek, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: A.E. GARCIA DITCH

Location: X= 1,583,587 feet Y= 1,981,524 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Section 31, Township 26N, Range 05E, N.M.P.M.

Pt. SE¼	16.3 acres
Total	16.3 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCJ-006-0001

Amount of Water: Reserved for future determination by court order entered July 25, 2000.

B. NO RIGHT (Surface Water Only)

Office of the State Engineer Files No(s) NONE

Priority: NONE

Source of Water: Surface Waters of the Canjilon Creek, a tributary of the Rio Chama.

Purpose of Use: NO RIGHT

Point of Diversion:

Ditch: A.E. GARCIA DITCH

Location: X= 1,583,587 feet Y= 1,981,524 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Acreage:

Section 31, Township 26N, Range 05E, N.M.P.M.

Pt. SE¼	0.5 acres
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Total 0.5 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCJ-006-0001

Amount of Water: NONE

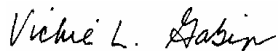
IT IS, THEREFORE, ORDERED that the above-named defendants be and hereby are, adjudicated to have the water rights set out hereinabove, subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree.

IT IS FURTHER ORDERED that the defendants, his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Section 3, except in strict accordance with the rights set forth herein or in other orders of the Court.

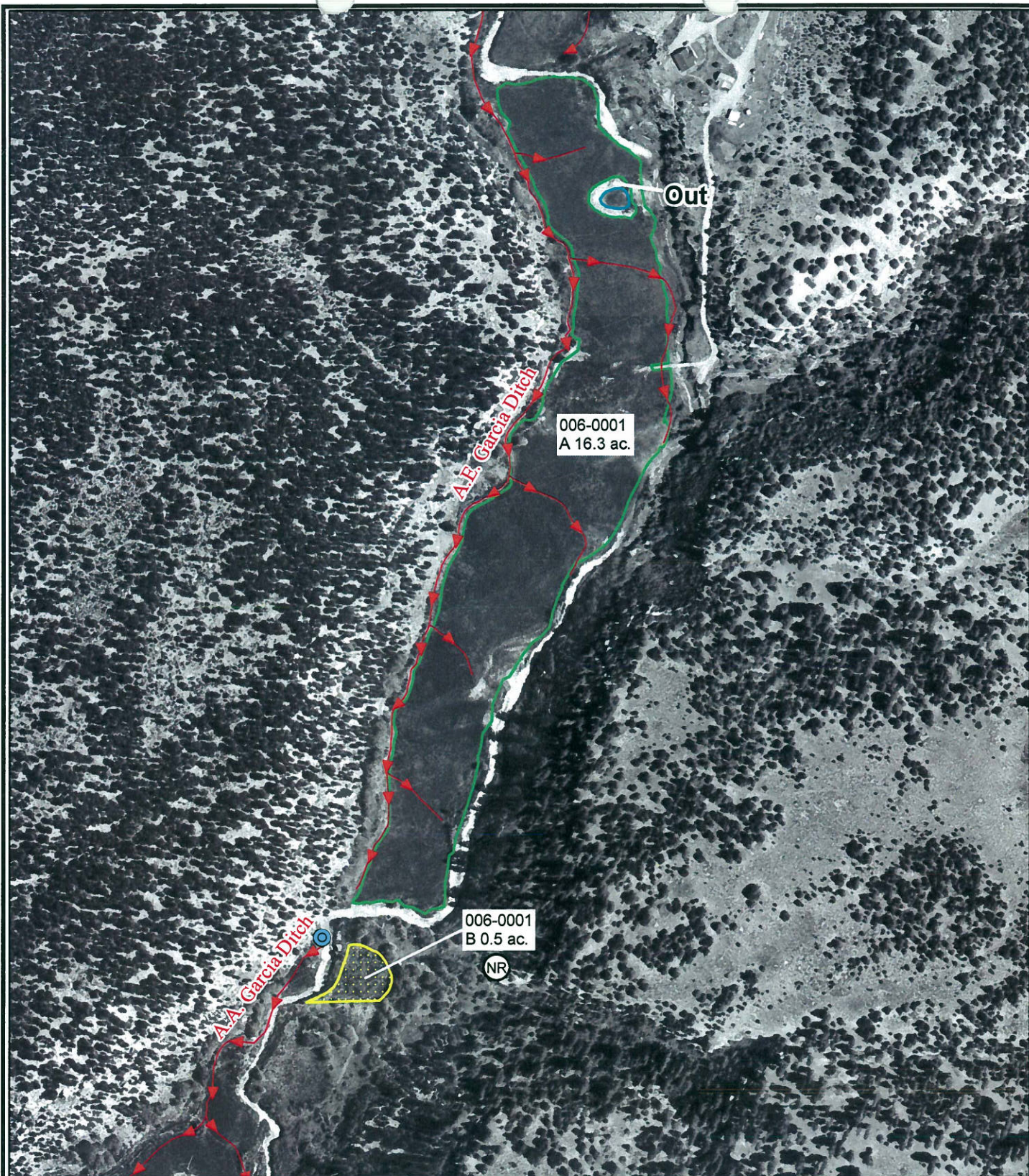


BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Recommended for approval:



SPECIAL MASTER



LEGEND

- | | | | |
|---|--------------------------|---|--------------------|
|  | Irrigated Tract Boundary |  | Point of Diversion |
|  | No Right Tract Boundary |  | Fallow |
|  | Seeped Area |  | No Right |
|  | Operable Ditch | | |
|  | Inoperable Ditch | | |
|  | Stock Ponds / Reservoir | | |



1 inch = 400 feet

0 200 400
Feet

STATE OF NEW MEXICO
Office of the State Engineer
John R. D'Antonio, Jr., P.E.,
State Engineer

Rio Chama Hydrographic Survey
CANJILON CREEK SECTION

Subfile Number
CHCJ-006-0001
A.E. Garcia Ditch
AMENDED
April 21, 2008

